

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DISTRICT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:24-CR-00010-HEA
)	
MOHD AZFAR MALIK, M.D.,)	
)	
Defendant.)	
)	
)	

**UNOPPOSED MOTION TO EXTEND THE DEADLINES FOR OBJECTING TO THE
REPORTS AND RECOMMENDATIONS AND TO SET A SINGLE DEADLINE FOR
ALL OBJECTIONS PERTAINING TO DEFENDANT’S PRETRIAL MOTIONS**

COMES NOW the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Amy E. Sestric, Assistant United States Attorney for said District, and moves to continue the deadlines for objecting to the August 5, 2024 Report and Recommendation (ECF No. 86) and to the August 16, 2024 Report and Recommendation (ECF No. 89), and to set a single deadline, September 9, 2024, for filing any objections regarding all pretrial motions:

1. On February 28, 2024, Defendant Mohd Azfar Malik, M.D. (“Dr. Malik”) filed three pretrial motions: (1) his Motion to Dismiss the Drug Trafficking Counts (ECF No. 54) (“Drug Trafficking Motion”); (2) his Motion to Dismiss (ECF No. 55) (“General Motion to Dismiss”); and (3) his Motion to Compel *Brady* Material (ECF No. 53) (“*Brady* Motion”).

2. The parties briefed the motions and the Court held a pretrial motion hearing on May 22, 2024.

3. On August 5, 2024, the Court issued a Report and Recommendation (ECF No. 86) (the “First R&R”) recommending that the Drug Trafficking Motion be granted. The current deadline to file objections to the First R&R is August 19, 2024.

4. The United States intends to file objections to the R&R.¹ However, the parties are in agreement that, in the interest of judicial economy, the deadline for objecting to the First R&R should coincide with the deadline to make any objections to the Report and Recommendation recommending denial of the General Motion to Dismiss and the *Brady* Motion (ECF No. 89) (the “Second R&R”), which was issued by the Court on August 16, 2024.

5. Accordingly, the United States requests that the Court set a single deadline for objecting to the First R&R and to the Second R&R. The United States specifically requests that the Court set the deadline for these objections to be September 9, 2024, and that responses to any objections be due September 30, 2024.

6. The United States has conferred with counsel for Dr. Malik, who consents to this Motion.

¹ The United States understands that the Court has recommended that the Drug Trafficking Motion be granted on the basis that the Indictment does not allege the controlled substances at issue lacked a legitimate medical purpose. For reasons cited in the United States’ briefing and the authority cited therein, the Government respectfully disagrees with the First R&R. Furthermore, since the filing of the Indictment, additional conduct has come to light for which the Government intends to seek charges. The Government anticipates that this new conduct may implicate the same or similar issues as the ones addressed in the First R&R. As the Government has advised Dr. Malik’s counsel, the United States intends to seek a superseding indictment, including with respect to the conduct that bears on the Court’s legal findings in the First R&R. Accordingly, the Government anticipates that issues that are the same or similar to the ones set forth in the First R&R will arise again upon the filing of a superseding indictment.

WHEREFORE, the United States respectfully asks the Court to continue the deadline for filing objections to the First R&R and to the Second R&R, and to set a single deadline for filing objections as to all three pretrial motions (specifically, September 9, 2024, with responses due September 30, 2024).

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

/s/ Amy E. Sestric
AMY E. SESTRIC, #66219MO
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2024, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all Counsel of Record.

/s/ Amy E. Sestric
AMY E. SESTRIC, #66219MO
Assistant United States Attorney